

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

)
CARL LANE,)
)
)
Plaintiff,)
) Civil Action No. 04-952
v.) Chief Judge Ambrose
) Magistrate Judge Caiazza
Deputy Sheriff JOHN RILEY,) In Re: Doc. 92
Deputy Sheriff Brian Reiter,)
and PILLAI, M.D.,)
)
Defendants.)

MEMORANDUM ORDER

The Plaintiff's complaint was received by the Clerk of Court on June 25, 2004, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on August 22, 2006, recommended that Defendant John Riley's Motion to Dismiss, treated by the court as a Motion for Judgment on the Pleadings, be denied.

The parties were allowed ten days from the date of service to file objections. Service was made on the Plaintiff by First Class United States Mail delivered to the State Correctional Institution at Greene, Waynesburg, Pennsylvania, where he is incarcerated and on the Defendant. No objections have been filed. After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order

is entered:

AND NOW, this 14th day of Sept., 2006

IT IS HEREBY ORDERED that Defendant John Riley's Motion to Dismiss, treated by the court as a Motion for Judgment on the Pleadings, is denied.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 114), dated August 22, 2006, is adopted as the opinion of the court.

Donetta W. Ambrose
Donetta W. Ambrose
Chief U.S. District Court Judge

cc:

Francis X. Caiazza
U.S. Magistrate Judge

Carl Lane, AS-1293
SCI-Huntingdon
110 Pike Street
Huntingdon, PA 16654-1112

David C. Hook, Esq.